

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RUSSELL DUANE McNEIL,

Plaintiff,

v.

JAY INSLEY, STATE OF
WASHINGTON, YAKIMA
COUNTY PROSECUTOR JOHN-
JANE DOE,

Defendants.

NO: 13-CV-0122-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION, DISMISSING
COMPLAINT WITHOUT PREJUDICE
AND DIRECTING THAT
COLLECTION OF FILING FEE
CEASE

Magistrate Judge Hutton filed a Report and Recommendation (ECF No. 10), recommending that Mr. McNeil's request to Voluntarily Dismiss this action be granted. Defendants have not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion (ECF No. 8) is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED Plaintiff's Motion to waive filing fee (ECF No. 9) is **GRANTED** and the institution having custody of Mr. McNeil shall cease collection of the filing fee in this action, cause number **13-CV-0122-JPH**.

1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff
3 and close the file. The District Court Executive is further directed to send a copy
4 of this Order to the **Office of the Department of Corrections, Attn: LFO/COS**
5 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate
6 agency having custody of Plaintiff. The District Court Executive also shall provide
7 a copy of this Order to the Financial Administrator for the United States District
8 Court, Eastern District of Washington.

9 **DATED** August 1, 2013.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge